

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FLAMENGOS INVESTMENTS, LLC and
FORT STEUBEN MALL HOLDINGS, LLC,

CASE NO.: 1:22-cv-489

Plaintiffs,

**JOINT MOTION TO VACATE
CALENDAR ORDER AND
STAY DISCOVERY PENDING
THE COURT’S ORDER ON
MOTION TO DISMISS**

v.

BROOKWOOD CAPITAL PARTNERS, LLC
d/b/a BROOKWOOD CAPITAL ADVISORS,
BEN HAMD, WYATT WOELTJE, and
LYDIA CHERNISTKY-HAMD

Defendant.

Plaintiffs Flamengos Investments, LLC, and Fort Steuben Mall Holdings, LLC (collectively “Plaintiffs”) and Defendants, Ben Hamd, Wyatt Woeltje, and Lydia Chernitsky-Hamd (the “Individual Defendants”), and Defendant Brookwood Capital Partners LLC (together with the Individual Defendants, the “Defendants”), by and through counsel, jointly move this Honorable Court for an Order vacating the Calendar Order (Doc. # 19) and staying discovery pending resolution of Defendants’ Motion to Dismiss, which is now fully briefed and presently before the Court. The Parties further seek leave to submit a new proposed discovery schedule once the Motion to Dismiss is decided.

In support of this Motion, the Parties jointly recognize that the Motion to Dismiss could be dispositive of the issues in this case concerning certain claims against the Individual Defendants, particularly the RICO causes of action. Furthermore, the Parties have submitted six (6) previous joint motions to amend the Calendar Order, the last seeking a sixty (60) day extension of all

deadlines on July 3, 2024. (Doc. # 53). The deadlines extended by that previous request are now quickly approaching, including expert disclosure deadlines, the discovery deadline, and the dispositive motion deadline. The Parties desire a resolution on the Motion to Dismiss prior to engaging in further discovery for the sake of efficiency and clarification of the scope of the claims and defenses to be pursued through discovery. Thus, the Parties jointly submit that good cause exists for the relief sought by this Motion because judicial economy and the parties' resources are best promoted and preserved by vacating all deadlines and staying discovery pending a resolution on the Motion to Dismiss rather than the Parties seeking another 90-day extension.

WHEREFORE, the Parties jointly request that the Court enter an Order vacating the Calendar Order and staying all discovery pending resolution of the Defendants' Motion to Dismiss. The Parties seek permission to submit a proposed revised discovery schedule upon receipt of the Court's Order on the Motion to Dismiss.

Respectfully submitted:

/s/ Claire E. Thompson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed through the Court's CM/ECF filing system, which will transmit an electronic notice of same to all counsel of record.

Dated: September 5, 2024

/s/ **Ian D. Mitchell**

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